

By the Committee on Criminal Justice; and Senators Flores and Bullard

591-03467-14

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1 A bill to be entitled  
2 An act relating to public records; amending s.  
3 119.071, F.S.; revising an exemption from public  
4 records requirements for certain criminal intelligence  
5 and investigative information to exempt information  
6 that reveals the identity of a victim of certain human  
7 trafficking offenses; amending s. 943.0583, F.S.;  
8 providing an exemption from public records  
9 requirements for investigative information relating to  
10 criminal history records of human trafficking victims  
11 that have been ordered expunged; providing for future  
12 legislative review and repeal of the exemption;  
13 providing a statement of public necessity; providing a  
14 contingent effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Paragraph (h) of subsection (2) of section  
19 119.071, Florida Statutes, is amended to read:

20 119.071 General exemptions from inspection or copying of  
21 public records.—

22 (2) AGENCY INVESTIGATIONS.—

23 (h)1. The following criminal intelligence information or  
24 criminal investigative information is confidential and exempt  
25 from s. 119.07(1) and s. 24(a), Art. I of the State  
26 Constitution:

27 a. Any information that, ~~including the photograph, name,~~  
28 ~~address, or other fact, which~~ reveals the identity of the victim  
29 of the crime of child abuse as defined by chapter 827 or that

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30 reveals the identity of a person under the age of 18 who is the  
31 victim of the crime of human trafficking proscribed in s.  
32 787.06(3)(a).

33 b. Any information that ~~which~~ may reveal the identity of a  
34 person who is a victim of any sexual offense, including a sexual  
35 offense proscribed in s. 787.06(3)(b), (d), (f), (g), or (h),  
36 chapter 794, chapter 796, chapter 800, chapter 827, or chapter  
37 847.

38 c. A photograph, videotape, or image of any part of the  
39 body of the victim of a sexual offense prohibited under s.  
40 787.06(3)(b), (d), (f), (g), or (h), chapter 794, chapter 796,  
41 chapter 800, s. 810.145, chapter 827, or chapter 847, regardless  
42 of whether the photograph, videotape, or image identifies the  
43 victim.

44 2. Criminal investigative information and criminal  
45 intelligence information made confidential and exempt under this  
46 paragraph may be disclosed by a law enforcement agency:

47 a. In the furtherance of its official duties and  
48 responsibilities.

49 b. For print, publication, or broadcast if the law  
50 enforcement agency determines that such release would assist in  
51 locating or identifying a person that such agency believes to be  
52 missing or endangered. The information provided should be  
53 limited to that needed to identify or locate the victim and not  
54 include the sexual nature of the offense committed against the  
55 person.

56 c. To another governmental agency in the furtherance of its  
57 official duties and responsibilities.

58 3. This exemption applies to such confidential and exempt

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59 criminal intelligence information or criminal investigative  
60 information held by a law enforcement agency before, on, or  
61 after the effective date of the exemption.

62 4. This paragraph is subject to the Open Government Sunset  
63 Review Act in accordance with s. 119.15, and shall stand  
64 repealed on October 2, 2019 ~~2016~~, unless reviewed and saved from  
65 repeal through reenactment by the Legislature.

66 Section 2. Subsection (11) is added to section 943.0583,  
67 Florida Statutes, to read:

68 943.0583 Human trafficking victim expunction.—

69 (11) (a) The following criminal intelligence information or  
70 criminal investigative information is confidential and exempt  
71 from s. 119.07(1) and s. 24(a), Art. I of the State  
72 Constitution:

73 1. Any information that reveals the identity of a person  
74 who is a victim of human trafficking whose criminal history  
75 record has been expunged under this section.

76 2. Any information that may reveal the identity of a person  
77 who is a victim of human trafficking whose criminal history  
78 record has been ordered expunged under this section.

79 (b) Criminal investigative information and criminal  
80 intelligence information made confidential and exempt under this  
81 subsection may be disclosed by a law enforcement agency:

82 1. In the furtherance of its official duties and  
83 responsibilities.

84 2. For print, publication, or broadcast if the law  
85 enforcement agency determines that such release would assist in  
86 locating or identifying a person that the agency believes to be  
87 missing or endangered. The information provided should be

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88 limited to that needed to identify or locate the victim.

89 3. To another governmental agency in the furtherance of its  
90 official duties and responsibilities.

91 (c) This exemption applies to such confidential and exempt  
92 criminal intelligence information or criminal investigative  
93 information held by a law enforcement agency before, on, or  
94 after the effective date of the exemption.

95 (d) This subsection is subject to the Open Government  
96 Sunset Review Act in accordance with s. 119.15 and shall stand  
97 repealed on October 2, 2019, unless reviewed and saved from  
98 repeal through reenactment by the Legislature.

99 Section 3. The Legislature finds that it is a public  
100 necessity to make confidential and exempt from public records  
101 requirements certain criminal intelligence information or  
102 criminal investigative information that reveals the identity of  
103 a victim of the crime of human trafficking of a minor for labor  
104 or any victim of human trafficking for commercial sexual  
105 activity. The Legislature finds that it is important to  
106 strengthen the protections afforded victims of human trafficking  
107 for labor who are minors and victims of human trafficking for  
108 commercial sexual activity, regardless of age, in order to  
109 ensure their privacy and to prevent their revictimization by  
110 making such information confidential and exempt. The identity of  
111 these victims is information of a sensitive personal nature. As  
112 such, this exemption serves to minimize the trauma to victims  
113 because the release of such information would compound the  
114 tragedy already visited upon their lives and would be defamatory  
115 to or cause unwarranted damage to the good name or reputation of  
116 the victims. Protecting the release of identifying information

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117 of such victims protects them from further embarrassment,  
118 harassment, or injury. The Legislature also finds that it is a  
119 public necessity that information in the investigative or  
120 intelligence records related to a criminal history record  
121 ordered expunged under s. 943.0583, Florida Statutes, which  
122 would or could reasonably be expected to reveal the identity of  
123 a person who is a victim of human trafficking whose criminal  
124 history record has been ordered expunged under s. 943.0583,  
125 Florida Statutes, be made confidential and exempt from s.  
126 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
127 State Constitution. Persons who are victims of human trafficking  
128 and who have been charged with crimes allegedly committed at the  
129 behest of their traffickers are themselves victims of crimes.  
130 Such victims face barriers to employment and other life  
131 opportunities as long as these criminal charges remain on record  
132 and accessible to potential employers and others. It is  
133 necessary that these records be made confidential and exempt in  
134 order for human trafficking victims to have the chance to  
135 rebuild their lives and reenter society.

136 Section 4. This act shall take effect on the same date that  
137 SB 1440 or similar legislation relating to human trafficking  
138 takes effect, if such legislation is adopted in the same  
139 legislative session or an extension thereof and becomes a law.